

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RAW STORY MEDIA, INC., ALTERNET  
MEDIA, INC.,

Plaintiffs,

v.

OPENAI, INC., OPENAI GP, LLC,  
OPENAI, LLC, OPENAI OPCO LLC,  
OPENAI GLOBAL LLC, OAI  
CORPORATION, LLC, and OPENAI  
HOLDINGS, LLC,

Defendants.

No. 1:24-cv-01514-CM

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiffs write to inform the Court of a recent decision by Judge Stein in three consolidated cases, *The New York Times Co. v. Microsoft Corp.*, No. 23-cv-11195 (S.D.N.Y.), *Daily News LP v. Microsoft Corp.*, 24-cv-03285 (S.D.N.Y.), and *The Center for Investigative Reporting, Inc. v. OpenAI*, No. 24-cv-04872 (S.D.N.Y.). Like Plaintiffs here, plaintiffs in each of those cases asserted CMI removal claims against OpenAI under 17 U.S.C. § 1202(b)(1), which OpenAI moved to dismiss. Judge Stein denied OpenAI's motions in *Daily News* and *Center for Investigative Reporting* and granted its motion without prejudice in *New York Times*. The *Center for Investigative Reporting* decision is most pertinent to Plaintiffs' pending motion for leave to amend, ECF No. 119, because the allegations in that case's operative complaint—drafted by the same counsel as here—and the arguments made in the briefing most closely resemble those in this case.<sup>1</sup>

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<sup>1</sup> See generally First Amended Complaint, *The Center for Investigative Reporting, Inc. v. OpenAI, Inc.*, No. 24-cv-04872 (S.D.N.Y. Sept. 24, 2024), ECF No. 88; Memorandum of Law in Support of OpenAI Defendants' Motion to Dismiss Amended Complaint, *The Center for Investigative Reporting, Inc. v. OpenAI, Inc.*, No. 24-cv-04872 (S.D.N.Y. Oct. 14, 2024), ECF No. 100; Plaintiff's Combined Response to Defendants' Motions to Dismiss the First Amended

The bottom-line ordered is attached as Exhibit 1. Plaintiffs will inform the Court when Judge Stein issues his full opinion.

RESPECTFULLY SUBMITTED,

/s/ Stephen Stich Match

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Michael Kanovitz\*  
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*\*pro hac vice*

March 28, 2025

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Complaint, *The Center for Investigative Reporting, Inc. v. OpenAI, Inc.*, No. 24-cv-04872 (S.D.N.Y. Nov. 5, 2024), ECF No. 133; Reply Memorandum of Law in Further Support of OpenAI Defendants' Motion to Dismiss Amended Complaint, *The Center for Investigative Reporting, Inc. v. OpenAI, Inc.*, No. 24-cv-04872 (S.D.N.Y. Nov. 19, 2024), ECF No. 146.